

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISSAM T. HAMMOUD,

Petitioner,

v.

ORDER

09-cv-778-bbc

C. HOLINKA,

Respondent.

In an order entered on February 1, 2010, I gave petitioner Wissam T. Hammoud an opportunity to explain to the court whether he was trying to bring an action under 28 U.S.C. § 2241 or under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). I did this because, although he titles his action as one arising under § 2241, he challenges his transfer from one prison to another and complains about his medical care. Section 2241 provides habeas relief for prisoners who are in custody in violation of federal law; issues about transferring from one prison to another or medical care within the prison system do not give rise to a § 2241 claim.

I explained this to petitioner, but he maintains that his intent was to bring a § 2241 petition. Therefore, his petition must be denied.

ORDER

IT IS ORDERED that petitioner Wissam T. Hammoud's petition for a writ of habeas corpus brought under 28 U.S.C. § 2241 is DENIED for his failure to state a claim that can be addressed in a § 2241 motion.

Entered this 2nd day of April, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge